
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

LONNIE WASHBURN,

Plaintiff,

v.

MESQUITE GAMING,

Defendants.

MEMORANDUM DECISION AND
TRANSFER ORDER

Case No. 2:23-cv-00446-CMR

Magistrate Judge Cecilia M. Romero

The parties in this case have consented to the jurisdiction of the undersigned pursuant to 28 U.S.C. § 636(c) (ECF 16). On February 21, 2024, the court issued an Order to Show Cause directing Plaintiff to explain why this case should not be dismissed for improper venue or transferred to a different district (Order to Show Cause) (ECF 28). The court warned Plaintiff that failure to comply with the directives in the Order to Show Cause may result in dismissal of this action (*id.*). Before the deadline, Plaintiff filed a response restating that Plaintiff is a resident of Utah, Defendant Mesquite Gaming is a corporation in Nevada, and that there is a chance that there are potential defendants that might reside in Utah that have yet to be added to the Complaint (Response) (ECF 29 at 1). Plaintiff also requests that this court transfer the case to the District of Nevada if the court believes the District of Utah is not the proper venue (*id.*). Despite Plaintiff's statements, Plaintiff has failed to show to the court how his Amended Complaint alleges proper venue in the District of Utah.

Federal statute provides that a civil case may be filed in "(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; [or]

(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred.” 28 U.S.C. § 1391(b). “For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought” *Id.* § 1404(a). After carefully reviewing the Amended Complaint, the court has been unable to find any allegation that Utah is home to Defendant, or reference of events, omissions or property involved in this case in the state of Utah. Defendant is alleged to be in Mesquite, Nevada, and all the circumstances forming the basis of potential causes of action in the Amended Complaint apparently occurred in Nevada. Plaintiff’s Response fails to remedy or address deficiencies relating to venue.

Accordingly, IT IS HEREBY ORDERED that this action is TRANSFERRED to the United States District Court for the Federal District of Nevada.

DATED this 23 February 2024.



Magistrate Judge Cecilia M. Romero
United States District Court for the District of Utah